

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DIXIE JANETTE,

Plaintiff,

v.

CASE NO. 05-74796
HON. LAWRENCE P. ZATKOFF

AMERICAN FIDELITY GROUP, LTD.,
a foreign corporation, UNIVERSAL PAYROLL
SYSTEMS, a Michigan corporation, TOM PARKER
GENERAL AGENCY, a Michigan corporation,
UNIVERSAL FIRE & CASUALTY INSURANCE
COMPANY, a foreign corporation, AMERICAN
INVESTIGATORS, INC., a Michigan corporation,
UNIVERSAL HOLDING CORPORATION, a
Michigan corporation, Jointly and Severally,

Defendants.

ORDER DISMISSING PLAINTIFF'S STATE LAW CLAIMS

Plaintiff filed her Complaint on December 19, 2005. Plaintiff's Complaint contains the following three counts:

- Count I Violation of the Americans with Disabilities Act;
- Count II Violation of the Michigan Persons with Disabilities Act; and
- Count III Breach of Contract.

See Complaint.

The Court has subject matter jurisdiction over Count I, because it arises under federal law. *See* 28 U.S.C. § 1331. Counts II and III, however, are based upon state law. Although the Court has supplemental jurisdiction over state law claims pursuant to 28 U.S.C. § 1367(a), the Court may decline to exercise supplemental jurisdiction if there are "compelling reasons for declining

jurisdiction.” *See* 28 U.S.C. § 1367(c)(4). The Court declines to exercise supplemental jurisdiction over Plaintiff’s state law claims in this matter. The Court finds that the contemporaneous presentation of Plaintiff’s parallel state claims for relief will result in the undue confusion of the jury. *See* 28 U.S.C. § 1367(c)(4); *see also Padilla v. City of Saginaw*, 867 F. Supp. 1309, 1315 (E.D. Mich. 1994).

Accordingly, IT IS ORDERED that Plaintiff’s state law claims regarding the Michigan Persons with Disabilities Act and Breach of Contract (Counts II and III) are hereby DISMISSED without prejudice. The Court retains jurisdiction over Plaintiff’s federal claim (Count I).

IT IS SO ORDERED.

s/Lawrence P. Zatkoff

LAWRENCE P. ZATKOFF

UNITED STATES DISTRICT JUDGE

Dated: January 10, 2006

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on January 10, 2006.

s/Marie E. Verlinde

Case Manager

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